

UNIOGBIS because the post she was encumbering in another mission was being abolished due to downsizing.

8. On 4 August 2017, UNOIGBIS recorded the cancellation of JO 76789 in Inspira.

9. On 7 August 2017, the Desk Officer sent another email to the Applicant explaining that UNIOGBIS had confirmed that the incumbent would return on 16 October 2017 as she would complete her assignment on 15 October 2017.

10. On 16 October 2017, the incumbent of the position returned to UNIOGBIS from her temporary assignment.

11. On 8 September 2017, the Applicant submitted a request for management evaluation of the decision to not select her for the JO. On 3 November 2017, the Management Evaluation Unit informed the Applicant that the Secretary-General has decided to uphold the contested decision.

12. On 29 January 2018, the Applicant filed the present application.

Consideration

13. UNIOGBIS
not continue with the selection process and thereby not selecting her for the position.

14. The Respondent states that the notice was sent in error and to correct the error, a Human Recourse Assistant sent an email to the Applicant thirty-five minutes later, which advised the Applicant to disregard the selection notification as the recruitment process was not completed yet. The Tribunal notes that the Applicant does not dispute that she received the notification regarding the error thirty-five minutes after receiving the notification and before she responded to the notification expressing her continued interest and availability for the position.

15. The Respondent submits further that the decision to cancel the selection process was as a result of operational needs of the department, namely that the temporary vacancy arose as the incumbent staff member, who had a lien on the post for JO 76789, was temporarily assigned to another field mission from 10 April 2017.

16. On 13 July 2017 at a staff meeting, UNIOGBIS discussed the return of the incumbent of the position starting on 16 October 2017 because the post she was encumbering at another field mission was being abolished due to downsizing.

17. As a result of this information, UNIOGBIS decided that it was no longer

22. As the Applicant was informed of the above reasons for the cancellation of the selection process by UNIOGBIS, the Tribunal is somewhat perplexed by her cause of action. Although she pleads bad faith and improper motives on part of the Respondent, the Applicant fails to particularize her claim. Her primary contention seems to be that she found some discrepancies in the reasons given to her for the decisions.

23. The Tribunal notes that there may have been some mixed messaging within the UNIOGBIS team such as the Human Resource Assistant advising the Applicant on 13 July 2017 to disregard the notice of selection as the recruitment process is not complete yet , and then on 20 July 2017, the Desk Officer of the Department of Field Support informing the Applicant that the recruitment process was going to be canceled.

24. However, these minor discrepancies or misunderstandings within the UNIOGBIS team were resolved promptly, and the Applicant was unequivocally made aware of the status of the recruitment process.

25. The Applicant may disagree and be disappointed by the decision, but disagreements and disappointments alone are not sufficient cause for action before the Dispute Tribunal. The fact is that the selection exercise was canceled for rational organizational and budgetary reasons and these reasons have been verified by the record.

26. The Applicant presents no arguments of substance to call into question the lawfulness of the decision to cancel the position.

27. The Tribunal has reviewed the record, including the internal UNIOGBIS correspondence regarding the indication of improper motives underlying the decision to cancel the JO.

28. The Applicant seems to also suggest that improper motives were established by the fact that UNIOGBIS had initially offered the position to the first recommended candidate prior to her. The Respondent has explained that upon completion of the assessment for the JO, the Applicant was the second on the list of recommended candidates. Consequently, after the first recommended candidate for the JO advised of his unavailability for the position, it was decided that the second recommended candidate would be considered for the position. However, as noted above, UNIOGBIS made the subsequent

Conclusion

33. The application is dismissed.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 17th day of June 2019

Entered in the Register on this 17th day of June 2019

(Signed)

Nerea Suero Fontecha, Registrar, New York